

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 10/049,890

Filed: 13 February 2002

Title: Injection Means

RESPONSE

Honorable Commissioner of  
Patents and Trademarks

) Art Unit: 3763

) Examiner: R. Ghafoorian

) Atty. Docket: IPL-2-RCE

) I hereby certify that this  
) correspondence is being  
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) Commissioner for Patents, PO  
) Box 1450, Alexandria, VA  
) 22313-1450 on

) 12 MAY 2004  
) R. B. SHERER  
) R. B. SHERER  
) 12 MAY 04

The following is submitted in response to the Notice  
dated 6 April 2004 a copy of which is attached.

Before addressing the requested "List of Claims", and  
after extensive study of the record, it is necessary to  
correct two incorrect dates in the Patent Office in order to  
preserve the Prosecution File History.

First, the Advisory Action dated 13 January 2004  
incorrectly refers to "THE REPLY FILED 2 December 2003--." The  
quoted Reply in question (an Amendment After Final) was filed

on 17 November 2003; the resultant Advisory Action being received after the 6 Month Statutory period expired.

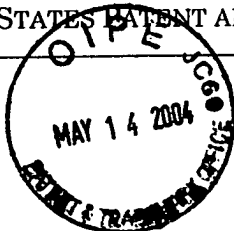
Second, the Notice of Non-Compliance dated 17 February 2004 incorrectly refers to an alleged document filed 16 January 2004. Applicant has searched the file, and the typing computer memory, and cannot find any document filed on or anywhere near this date. The only document immediately prior to this Notice was the Amendment After Final filed on 17 November 2003.

It is hoped that the above clarification will correct the prosecution file history and record.

Turning to the requested List of Claims, a substantially expanded listing, including the repeated text of all claims is submitted as follows:



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3-19-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prconnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

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